

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Sharon M. Vazquez, a Special Agent of the Federal Bureau of Investigation (FBI), San Juan Division, being duly sworn, do hereby depose and state:

1. I am a law enforcement officer of the United States of America within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States who is empowered by the law to conduct investigations of and to make arrests for, the offenses enumerated in Title 18, United States Code.
2. I have been employed as an FBI Special Agent since February 2022 and am currently assigned to investigate Violent Crimes in the San Juan Division of the FBI. I am also a licensed attorney and have been admitted to practice by the Puerto Rico Supreme Court since August 2021.
3. I have specialized training and experience in violent crimes. During my time as a Special Agent with the FBI, I have participated in violent crime investigations. As a result, I am familiar with procedures, activities, and investigative techniques associated with these investigations.
4. The information set forth herein is based on my personal knowledge, information obtained through interviews, information provided to me by other law enforcement officers and through other various forms of information. This affidavit is offered for the limited purpose of establishing probable cause that YONIEL RAMOS DELGADO, HENRY RODRIGUEZ KELLY and LUIS OLIVO ORTIZ violated 18 U.S.C. § 2119(1) (Carjacking) and 18 U.S.C. § 2 (Aiding and abetting).

5. Because of this affidavit's limited purpose of establishing probable cause, it does not contain all the facts known to myself or other law enforcement officers about the investigation, but only those necessary to establish probable cause.

RELEVANT FACTS OF THE CASE

6. On May 30, 2023, at approximately 6:40 p.m., the Victim was at a Burlington Store located in the Santa Rosa Shopping Mall in Bayamón, Puerto Rico. After leaving the store, the Victim got in her car which was of a black 2016 BMW X5 bearing PR License IRP-910 and VIN 5UXKR0C59G0P22520 (hereinafter BMW).
7. Once the Victim was inside her BMW, she noticed a dark colored vehicle parking by the right side of her BMW. The Victim saw two male individuals getting out of their car and approach her BMW. The first individual was taller than the Victim and was wearing dark gloves, a dark mask covering his face, a dark jacket with a hoody, and tornasol sunglasses. The second individual was tall and skinny and was wearing a dark mask covering his face and dark clothes. One individual pointed what appeared to be a firearm at the Victim's face and told her to get out of her BMW car while the second individual pulled the Victim by her arm and sprayed pepper spray on her face. One of the subjects then demanded the Victim's cellphone, but she refused to give it to the subjects. individuals then took the Victim's BMW and left heading in direction of a Denny's Restaurant. The Victim then called 911
8. At approximately 8:20 p.m., a Guaynabo City Police Department agent was in his marked police car when he heard about a carjacking on his police radio. A few minutes later, the agent saw a car matching the description of the Victim's carjacked BMW on the Martinez Nadal Expressway. The agent attempted to pull over the BMW by using his sirens.

However, the driver of the BMW did not stop and fled until he crashed the BMW near Carretera #1 in Caguas.

9. After the crash, two male individuals exited the BMW and fled on foot. As they were fleeing, a Puerto Rico Police Bureau (PRPB) agent saw one of the individuals took off a full-face mask and throw it away. Subsequently, following a foot chase, the two individuals were arrested and identified as RAMOS DELGADO and RODRIGUEZ KELLY. Further, PRPB agents also recovered black/gray gloves, one full-face mask, two cell-phones, a pneumatic pistol, and a pepper spray from the scene.



10. At approximately the same time that these events were occurring, PRPB agents driving on Carretera #1 in the direction of Caguas noticed a black Hyundai Venue bearing PR license plate KBZ-379 which kept making improper lane changes. PRPB agents verified the license plate and realized that the Venue was reported carjacked. PRPB agents attempted

to pull over the Venue by using their sirens. However, the driver of the Venue did not stop and fled until he crashed against a wall near the Carretera #173 of Guaynabo. PRPB agents arrested the driver who was later identified as OLIVO ORTIZ.

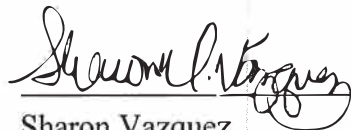
11. On May 31, 2023, FBI agents interviewed RAMOS DELGADO. FBI agents advised RAMOS DELGADO of his Miranda rights and he waived his rights verbally and in writing. RAMOS DELGADO then admitted that he carjacked the Victim's BMW. RAMOS DELGADO stated that he opened the BMW's door and forced the Victim to get out of her vehicle.
12. On May 31, 2023, FBI agents also interviewed OLIVO ORTIZ. FBI agents advised OLIVO ORTIZ his Miranda rights and he waived his rights verbally and in writing. OLIVO ORTIZ admitted that he carjacked the Victim's BMW. OLIVO ORTIZ stated he was driving RAMOS DELGADO and RODRIGUEZ KELLY around in the Venue until they found a car to steal because RAMOS DELGADO and RODRIGUEZ KELLY promised to pay him \$350. OLIVO ORTIZ admitted that all of them identified the BMW as a possible car to steal and that he parked next to it so RAMOS DELGADO and RODRIGUEZ KELLY could carjack it.
13. Further, OLIVO ORTIZ provided verbal and written consent search his cellphone. OLIVO ORTIZ showed FBI agents that RAMOS DELGADO's contact was saved under the name "Mongo" while RODRIGUEZ KELLY's contact was saved under the name "CAPITOLIO." FBI personnel confirmed with RAMOS DELGADO and the phone number he provided matches the one that OLIVO ORTIZ has for him. FBI personnel also confirmed with RODRIGUEZ KELLY and while he couldn't remember his full phone

number, the first six digits are consistent with the phone number that OLIVO ORTIZ has for "CAPITOLIO."

14. A review of the WhatsApp chat between OLIVO ORTIZ and "CAPITOLIO" showed conversations about carjackings, including pictures of a black Hyundai Venue that matches the description of the one used to commit the carjacking of the BMW. A review of the WhatsApp chat between OLIVO ORTIZ and RAMOS DELGADO showed conversations about carjackings and the sale of vehicles.
15. Based on my knowledge and experience, motor vehicles, such as the aforementioned BMW, are not manufactured in the Commonwealth of Puerto Rico. Therefore, the BMW motor vehicle was transported, shipped, or received in interstate or foreign commerce.

CONCLUSION

16. Based on the above facts, there is probable cause to believe that YONIEL RAMOS DELGADO, HENRY RODRIGUEZ KELLY, and LUIS OLIVO ORTIZ violated 18 U.S.C. § 2119 (1)(Carjacking) and 18 U.S.C. § 2 (aiding and abetting).



Sharon Vazquez
Special Agent
Federal Bureau of Investigation

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 1:50 p.m. in San Juan, Puerto Rico on June 1, 2023.

Hon. Bruce J. McGiverin
United States Magistrate
District of Puerto Rico